

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 TENIKA WILLIAMS,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

14 Defendant.
15

CASE NO. 11-cv-05425-RBL-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on
19 Defendant's stipulated motion to remand the matter to the Commissioner for further
20 administrative proceedings. (ECF No. 16.)

21 After reviewing Defendant's stipulated motion and the relevant record, the undersigned
22 recommends that the Court grant Defendant's motion, and reverse and remand this matter to the
23 Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g).
24

1 Following remand, based on the parties' stipulation, this Court recommends that the
2 above-captioned case be reversed and remanded to the Commissioner for further administrative
3 proceedings, including, but not limited to, the following actions:

4 The Administrative Law Judge (the "ALJ") should consider further
5 whether or not Plaintiff's work activity in 2008 constituted substantial gainful
6 activity;

7 The ALJ should consider further the severity of Plaintiff's impairments;

8 The ALJ should evaluate further the opinions of Dr. Dixon (Tr. 299-305)
9 and Dr. Robinson (Tr. 322-325), and the ALJ should evaluate Dr. Turner's
10 opinion (Tr. 326-333, 501);


11 The ALJ should obtain updated medical evidence from Plaintiff's treating
12 source(s), and, if necessary, the ALJ should obtain consultative examination(s);
13 and,

14 The ALJ should offer Plaintiff an opportunity to submit additional
15 evidence and to have a hearing; and, if necessary, the ALJ should obtain evidence
16 from a vocational expert.

17 Given the facts and the parties' stipulation, the Court recommends that the District Judge
18 immediately approve this Report and Recommendation and order that the case be **REVERSED**
19 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

20 **JUDGMENT** should be for plaintiff, and the case should be closed.

21 Dated this 18th day of November, 2011.

22
23
24


J. Richard Creatura
United States Magistrate Judge